

REMARKS

Reconsideration and allowance of the application are respectfully requested. Claims 1-49 are pending, of which claims 1-34 are withdrawn from consideration. Claims 35-45 and 47-49 stand rejected. Claim 46 has been objected to. Claim 47 is amended herein.

Applicants wish to thank the Examiner for the courtesy and assistance extended during the personal interview conducted on July 15, 2003. During the interview, Applicants' representative discussed with the Examiner the failure of the cited prior art (U.S. Patent 6469694 to Mikan) to teach a function lock selector as recited in independent claim 35. The Examiner indicated that the Mikan reference does not appear to teach such a feature, but stated that he wished to further review the reference. As to claim 47 (the other pending independent claim), the Examiner indicated that claim 47, as amended herein, did not appear to be taught by the art of record. However, the Examiner indicated that a further search and/or consideration was required. During the interview, Applicant's representative also raised the existence of secondary considerations of non-obviousness. In particular, various keyboards made by manufacturers other than the Assignee, as well as product information for still other manufacturers' keyboards, were shown to the Examiner. These materials show that the function lock selector feature of claim 35 has presumably been copied by others.

The Office Action objected to claim 46 as dependent upon a base claim, but indicated that the claim would be allowable if rewritten in independent form. Applicants acknowledge with appreciation said indication of allowable subject matter. For the reasons set forth herein, claims 35-45 and 47-49 are also allowable.

The Office Action rejected claims 35-37, 40, 43 and 47-49 under 35 U.S.C. § 102(e) based on U.S. Patent 6,469,694 (Mikan). Applicants respectfully traverse. Independent claim 35 recites a function lock selector actuatable to change the functionality of the plurality of keys between the first and second modes and maintain said selected mode until a subsequent actuation of said function lock selector is performed. Mikan does not describe or suggest this feature. Instead, Mikan only recites "a second key 130 to provide for a second row of function keys." Specifically, if the standard functions F4-F9 are default for keys 134-139, Mikan does not disclose how the "2nd Key" 130 must be pressed to invoke "Ins," "NumLk," "ScrLk," "PrtSc," "Pause" or "Break." For example, Mikan's 2nd key 130 could function similar to a control key, which must be pressed at the same time as (and every time that) another key is pressed in order to obtain the desired command. In other words, Mikan does not describe the 2nd Key 130 as being lockable. Conversely, the function lock selector recited by claim 35 allows a user to avoid time-consuming and distracting multi-key actuations in order to issue the predetermined commands assigned to the keys. For at least this reason, claim 35 is allowable. Claims 36, 37, 40 and 43 depend from claim 35 and are therefore allowable for the same reason.

Independent claim 47 recites a plurality of keys, each of the plurality of keys functioning as a predetermined command key in a first mode and a standard function key in a second mode, ... the plurality of keys being *secondarily labeled* as standard function keys. Mikan does not show keys 134-139 as secondarily labeled with F4-F9. As set forth in Applicants' specification, a key is secondarily labeled as a certain key when it has indicia corresponding to the image to be displayed and/or associated function to be performed which is less visually apparent with respect

to other indicia of that key. Although there are various ways in which such secondary labeling can be implemented, Mikan shows the F4-F9 labels of keys 134-139 as being at least as apparent as the other labels on those keys. For at least this reason, claim 47 is allowable.

Moreover, Applicants herein amend claim 47 to recite the predetermined command key functions as including at least one of a file level command, a document completion command and an e-mail command. Mikan fails to describe or suggest such a feature. Accordingly, claim 47 is further allowable for this additional reason.

Claims 48 and 49 depend from claim 47, and are thus allowable for the same reasons as claim 47. Moreover, claim 48 recites that the plurality of keys are primarily labeled as their respective command keys when operated in the first mode. As seen in Mikan Fig. 1, and as indicated above, Mikan does not show the command labels as being more visually apparent than the F4-F9 labels of keys 134-139. Claim 48 is thus allowable for this additional reason. Claim 49 recites a function lock key being actuable to change the functionality of the plurality of keys between the first and second modes and maintain that mode until a subsequent actuation of the function lock key is performed. As explained with regard to claim 35, Mikan does not describe or suggest this feature.

The Office Action rejected claims 41, 44 and 45 under 35 U.S.C. § 103(a) based on Mikan. Because these claims depend from claim 35, they are allowable for the same reasons as claim 35. Moreover, the additional features recited by these claims are not taught or suggested by Mikan. For example, claim 41 recites the front side surface of certain keys as labeled with a standard function key label as operated in the second mode. The Office Action asserts that this is

a rearrangement of parts involving routine skill in the art. Even assuming that the "rearrangement of parts" concept applies, however, MPEP § 2144.04 VI.A.C. states:

"The mere fact that a worker in the art could rearrange the parts of the reference device to meet the terms of the claims on appeal is not by itself sufficient to support a finding of obviousness. The prior art must provide a motivation or reason for the worker in the art, without the benefit of appellant's specification, to make the necessary changes in the reference device." *Ex parte Chicago Rawhide Mfg. Co.*, 223 USPQ 351, 353 (Bd. Pat. App. & Inter. 1984).

Neither Mikan nor other art of record provides a motivation to place standard function labels on front surfaces of the keys, and claim 41 is allowable for this additional reason. Unlike the claimed invention, which provides the standard function label on the less prominent front key surface so that a predetermined command label can be more prominently placed on the upper key surface, Mikan provides no suggestion of making the standard function label less prominent and no suggestion of providing that label on the front surface. Arguably, the opposite is suggested. It is also not clear that Mikan even teaches a front surface on the keys. As Mikan only includes a top view of the keyboard, the keys could be flush or substantially flush with the keyboard surface when not being pressed. Labeling a front surface of the Mikan keys may thus be impossible or functionally useless. Neither Mikan nor the other art of record provides any other motivation to modify Mikan as required by the Office Action.

Claims 44 and 45 recite a function lock indicator that indicates whether the keys are operating in the first mode or in the second mode. As explained with regard to claim 35, however, Mikan fails to teach a function lock. There would thus be no motivation to include a function lock indicator.

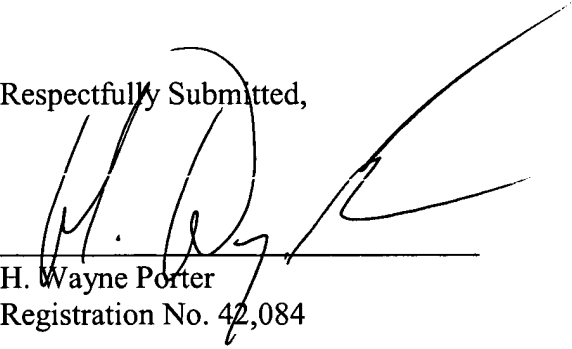
The Office Action rejected claims 38 and 39 under 35 U.S.C. § 103(a) based on Mikan in view of U.S. Patent 4,698,618 (Liuzzo et al.). Because these claims depend from claim 35, they are allowable for the same reasons as claim 35.

The Office Action rejected claim 42 under 35 U.S.C. § 103(a) based on Mikan in view of U.S. Patent 6,256,020 (Pabon et al.). Because claim 42 depends from claim 35, claim 42 is allowable for the same reason as claim 35. Moreover, there is no motivation to combine Mikan and Pabon so as to obtain three keys operating as one of the recited command keys in the first mode. Pabon describes a keyboard in which each "intelligent key" 24 include display means 28 such as a bit mapped LCD. In response to software operating on the computer to which the keyboard is connected, or in response to telephone line signals, the displays on each key change to reflect new functions. There would thus be no reason to combine the Pabon keyboard with a keyboard such as Mikan which requires pressing a "2nd key" to change a key between a standard function key mode and a specific command mode. Stated differently, there would be no logical reason to combine a keyboard where keys change to a command-specific operating mode based on manually pressing a second key with a system where keys *automatically* change to a different command based on an event external to the keyboard. Such a combination fails to consider each prior art reference as a whole. See MPEP § 2141.02.

Applicants respectfully submit that the application is in condition for allowance. An early notice to this effect is requested. Should the Examiner believe that anything further is desirable in order to place the application in even better form for allowance, he is respectfully urged to contact Applicants' undersigned representative at the below-listed number.

Respectfully Submitted,

By:


H. Wayne Porter
Registration No. 42,084

BANNER & WITCOFF, LTD.
1001 G Street, N.W., 11th Floor
Washington, D.C. 20001
(202) 824-3000

Dated: August 12, 2003